

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

Motion, DE100 is
GRANTED. All other case
management deadlines
remain in effect without
change.



**RACHAEL ANNE ELROD, ANDREW
KAUFMAN, and SARAH MARTIN,**
on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

**NO TAX 4 NASH, MICHELLE
FOREMAN, and JOHN DOES 1-10,**

Defendants.

No. 3:20-cv-00617

**District Judge Eli J. Richardson
Magistrate Judge Barbara D. Holmes**

CLASS ACTION

JURY TRIAL DEMANDED

**BROOKS BRASFIELD, on behalf of
himself and others similarly situated,**

Plaintiff,

v.

**NO TAX 4 NASH and JOHN DOES 1-
10**

Defendants.

No. 3:20-cv-00618

**PLAINTIFFS' UNOPPOSED MOTION TO RESET DEADLINE TO FILE CLASS
NOTICE PROPOSAL BY 45 DAYS**

On August 31, 2021, the Court granted Plaintiffs an extension to **September 27, 2021** to file a proposed Plan of Notice to the certified Class. (D.E. 95.) For the reasons stated below, Plaintiffs respectfully move to reset their deadline to file a proposal for class notice by 45 days to **November 11, 2021**. In compliance CMO ¶ 10, Plaintiffs are filing this motion 7 days before the affected deadline.

The parties are engaged in good faith efforts towards resolving this litigation on a class-wide basis. In particular, mediation is tentatively scheduled for October 26, 2021, subject to resolving certain details in the interim. Given the number of parties, lawyers, and insurance carriers involved, it has taken some time to work through the details and coordinate schedules. If the parties are able to reach a proposed Class settlement, it would require notice to issue to the Class independently of the notice to be issued per the September 27 deadline – and require the Court to review and approve that independent form of notice. It would therefore be both costly and inefficient to issue notice twice and to burden the Court twice with adjudicating notice. It could also potentially be confusing to Class Members to receive two forms of notice relatively close in time to each other.

Per CMO ¶ N, Plaintiffs certify that the requested extension still conforms to Local Rule 16.01(h)(1) – indeed, the existing dispositive deadlines are unaffected – and a chart of the trial date and all deadlines (including unaffected deadlines) are as follows:

Type of Deadline	Current Deadline	New Deadline (affected in <u>bold</u>)
Proposed Class Notice Plan	September 27, 2021	November 15, 2021
Case Management Conference	October 27, 2021	October 27, 2021

Discovery Motions	December 17, 2021	December 17, 2021
Completion of Written Discovery and Fact Witness Depositions	December 31, 2021	December 31, 2021
Plaintiffs and Third-Party Plaintiff Expert Disclosures	January 21, 2022	January 21, 2022
3 rd Case Resolution Status Report	January 28, 2022	January 28, 2022
Defendants and Third-Party Defendants' Expert Disclosures	February 28, 2022	February 28, 2022
Expert Depositions	April 29, 2022	April 29, 2022
Dispositive Motions	June 3, 2022	June 3, 2022
Responses to Dispositive Motions	June 24, 2022 (at latest) ¹	June 24, 2022 (at latest)
Replies on Dispositive Motions	July 8, 2022 (at latest)	July 8, 2022 (at latest)
Trial Date	November 8, 2022	November 8, 2022

Plaintiffs have conferred with counsel for Defendant Ms. Foreman, counsel for Defendant Ms. Moore, and counsel for Third-Party Defendants Joe Gergley/Hypermetrics. All these parties have indicated that they do not oppose this motion.²

¹ Responses are due within 21 days of the underlying motion, which therefore could fall before June 24 if the motion is filed earlier. The holds true for Reply briefs, which are due within 14 days of any Response brief.

² No counsel has formally appeared for Heather Sellers/Best Sellers LLC.

Dated: September 20, 2021

Respectfully submitted,

/s/ Anthony A. Orlandi

Joe P. Leniski, Jr. (TN Bar. No. 22891)

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via the Court's online CM/ECF system and emailed notice to the following counsel of record:

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*Attorney for Third-Party Defendants Joe Gergley
and Hypermetrics, LLC*

I also certify that a true and correct copy of the foregoing has been served by U.S. mail upon:

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313 Red Eagle Circle
Ridgeland, Mississippi 39157

Heather Sellers
313 Red Eagle Circle
Ridgeland, Mississippi 39157

On this the 20th day of September, 2021

/s/ Anthony A. Orlandi
Anthony A. Orlandi